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Notice of Allowability

Application No.

10/027,738

Examiner

Wesley A. Nicolas

Applicant(s)

MUNK ET AL.

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment submitted November 12, 2003.
2. ☒ The allowed claim(s) is/are 1-16, 18-20, 22 and 23.
3. ☒ The drawings filed on 21 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | <input type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other |

DETAILED ACTION

This is in response to the Amendment submitted November 12, 2003. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-16, 18-20, and 22-23 are currently pending in this application.

Claim Objections

1. The claims objections to claims 3 and 21 as set forth in the previous Office action have been **withdrawn** in view of Applicant's amendment to claim 3 and cancellation of claim 21 submitted November 12, 2003.

Claim Rejections - 35 USC § 112

2. The 35 U.S.C. § 112 rejection of claim 6 as set forth in the previous Office action has been **withdrawn** in view of Applicant's amendment to claim 6 submitted November 12, 2003.

Claim Rejections - 35 USC § 102/103

3. The 35 U.S.C. §§ 102 and 103 rejections as set forth in the previous Office action have been **withdrawn** in view of the amendment and convincing arguments submitted by Applicant on November 12, 2003.

Allowable Subject Matter

4. Claims 1-16, 18-20, and 22-23 are allowed over the prior art of record.

5. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the specific apparatus for the generation of sanitizing chemicals which includes a buoyant enclosure configured to float freely on a body of water with a plurality of electrodes extending outward from the buoyant enclosure and which further includes a plurality of photovoltaic solar cells disposed at an angle to the horizon when the buoyant enclosure is allowed to float in a body of water was not taught or suggested by the prior art of record.

It should be noted that the specific meaning of the limitation "disposed at an angle to the horizon" is limited only to that which is disclosed in the specification and is not intended to mean horizontal or at a zero degree angle with the horizon.

Regarding claim 22, the specific apparatus for the generation of sanitizing chemicals which includes a buoyant enclosure configured to float freely on a body of water with a plurality of electrodes extending outward from the buoyant enclosure and which further includes an oxidizer coating on each electrode, the oxidizer coating configured to resist the formation of chemical accumulation on the electrodes and prevent corrosion was not taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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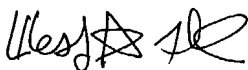
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Nicolas whose telephone number is (571) 272-1247. The examiner can normally be reached on Mon.-Thurs. from 7am to 5pm.

The Supervisory Primary Examiner for this Art Unit is Roy King whose telephone number is (571) 272-1244.

The fax number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


WESLEY A. NICOLAS
PATENT EXAMINER

January 18, 2004